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Attorney for Plaintiff / Debtor

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re:)
)
FAHRUELDIN EBED, dba DEAN EBED,) Case No.: 22-31638-thp7
)
Debtor.)
)
_____)
)
FAHRUELDIN EBED, dba DEAN EBED,)
) Adv. Proc. No.:
Plaintiff,)
)
vs.)
) COMPLAINT TO DETERMINE PARTIAL
THE UNITED STATES DEPARTMENT OF) OR TOTAL DISCHARGEABILITY OF
EDUCATION, and ROCK CREEK) PRIVATE AND FEDERAL STUDENT
CAPITAL, LLC,) LOAN OBLIGATIONS
)
Defendants.) (11 USC 523 (a) (8))
)
_____)

COMES NOW, the Plaintiff, Farhrueldin Ebed, aka Dean Ebed
and alleges as follows:

1

Debtor-Plaintiff filed a chapter 7 bankruptcy on September

30, 2022 and obtained his discharge on January 4th, 2023. This is a core proceeding pursuant to 28 USC 1334 and 28 USC 157 and the Bankruptcy Court has jurisdiction over this action pursuant to 11 USC 523. Pursuant to LBR 7008-1 Plaintiff hereby consents to the entry of a Final Order or Final Judgment in the above captioned Adversary Proceeding. Venue is proper and the primary case was discharged as a no asset case on January 4th, 2023.

2

Plaintiff owes federal student loan debt in the approximate amount of \$145,000 in Consolidated Direct Loans. He also owes private student loan debt of approximately \$136,000 to Rock Creek Capital, LLC, which purchased the multiple accounts from Sallie Mae Bank. The accounts have been sued upon by Rock Creek Capital, LLC.

3

Debtor has made good faith efforts to make required and significant payments on his various student loan debts and his recent income history is as follows:

2011	\$	0
2012	\$	0
2013	\$	0
2014	\$	0
2015	\$	0
2016	\$	0
2017	\$	41,919
2018	\$	59,545
2019	\$	26,043
2020	\$	8,521
2021	\$	25,000
2022	\$	32,038

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Plaintiff does not own a house, has no car, has no major assets, has no significant retirement accounts and has no income other than his recently obtained employment.

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Through no fault of his own he will never be able to pay all the student loan debts in full as his present situation is expected to continue for the foreseeable future. The private student loans are in default, have been accelerated and are due in full. Suits were filed and judgments obtained. If Plaintiff were required to pay the defaulted private loans and any of the standard Income Driven Repayments for his federal loans, he would not be able to maintain a minimal standard of living. Given his assets, income, income potential, medical issues and age, no options are available other than a total or partial hardship discharge of each of the student loans.

6

The above indicates that the Plaintiff is entitled to a total or partial hardship discharge pursuant to 11 USC 523(a) (8) .

7

Plaintiff reserves the right to amend this complaint before or after service as facts develop and proper parties and dollar amounts are determined.

1 WHEREFORE, Plaintiff prays that the court enter a partial
2 or total discharge of the student loan indebtedness to Navient.

3 Dated this 23rd day of October, 2023.

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5 /s/ Richard J. Parker
6 RICHARD J. PARKER OSB # 800945
7 Attorney for Plaintiff
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